

REMARKS

By this Amendment, claims 10 and 11 are amended and claims 1-9 and 12-19 are canceled without prejudice to or disclaimer of the subject matter contained therein. Thus, claims 10 and 11 are pending. Applicant respectfully requests reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

The Office Action rejects claims 1-4 and 11-19 under 35 U.S.C. §102(b) over Japanese Published Patent Application No. JP A 09-109276; rejects claims 1-9 and 11-19 under 35 U.S.C. §103(a) over JP A 09-109276; rejects claims 11-19 under 35 U.S.C. §102(b) over U.S. Patent 6,352,265 (Kawamura); rejects claims 1, 5-9, and 11-19 under 35 U.S.C. §102(b) over Japanese Published Patent Application No. JP A 06-259815; and rejects claims 1-19 under 35 U.S.C. §103(a) over JP A 09-109276 in view of Kawamura.¹ Applicant respectfully traverses the rejections.

Initially, with respect to claims 1-9 and 12-19, the rejections are rendered moot by cancellation of those claims.

With respect to claim 10, none of the applied references, either alone or in combination, disclose, teach, or suggest that "the conductive film is formed to have a thickness greater than a step height of the fine depressions and protrusions of the glass master, the step height of the fine depressions and protrusions is 30nm or less and the thickness of the conductive film is 40nm to 200nm."

With respect to claim 11, none of the applied references, either alone or in combination, disclose, teach, or suggest that "the conductive film has a thickness greater than a step height of the fine depressions and protrusions, the step height of the fine depressions and protrusions is 30nm or less and the thickness of the conductive film is 40nm to 200nm."

¹ This last rejection is facially improper because it relies on JP A 09-109276 "as applied to claims 1-19 above;" however, claim 10 was never rejected over JP A 09-109276.

The Office Action alleges that "[t]he sputtered thin nickel conductive-film and the electrolytically deposited nickel are both nickel and are not separable from one another in the final product." The Office Action further alleges that "[there] is no evidence presented in the specification to support a material difference in the final product based upon the thickness of the conductive film." The Office Action alleges that "[t]he thickness of the conductive film does not leave any artifacts and [does] not result in a materially different final product, a 300um thick nickel stamper, claimed in this application and in the reference."

However, the features of claims 10 and 11 improve the shape of a metal master. The "Example" and the "Comparative Example" in Applicant's specification show that the precision of the shape of a metal master can be improved by forming a conductive film on the metal master to have a thickness greater than a step height of the fine depressions and protrusions. Specifically, when the step height of the fine depressions and protrusions is 30nm or less and the thickness of the thickness of the conductive film is 40nm to 200nm, the precision of the shape of a metal master can be improved.

Although it is not clearly known why the precision in the shape of the metal master is improved by forming a conductive film of the metal master to have a thickness greater than a step height of the fine depressions and protrusions, the results are clear. It is believed that the shape error in the fine projections can be decreased by forming the conductive film thick enough, such that the projections of the metal master are mainly constituted by the conductive film (see Applicant's specification page 5, line 20 - page 7, line 9).

Thus, while an electrolytic plating layer mainly constituted a conventional metal master and a thin conductive film simply formed an electrode for forming the electrolytic plating layer, Applicant's claimed invention results in a more precisely shaped metal master by using more conductive film as a constituent of the metal master, than was conventionally deemed appropriate.

In view of at least the foregoing, claims 10 and 11 are patentable over the applied references. Applicant respectfully requests withdrawal of the rejections.

Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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